

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 26, 2004. In order to advance prosecution of this case, Applicants amend Claims 1, 7, 9, 15, 17, 19 and 21, and cancel Claims 6 and 14. Applicants respectfully request reconsideration and favorable action in this case.

Section 102(e) Rejections

The Office Action rejects Claims 1-5, 8-13, 16 and 21 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US2002/0152078 to Yuschik et al. ("*Yuschik*"). The Office Action also rejects Claims 1, 9 and 17-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,141,644 issued to Kuhn, et al. ("*Kuhn*"). Applicants respectfully traverse these rejections for the reasons stated below.

Independent Claims 1 and 9 have been amended to include the limitations of Claims 6 and 14, respectively. And Claim 21 has been amended to include a similar limitation. Thus, since Claims 6 and 14 were rejected under 103(a), the allowance of Claims 1, 14 and 21 are discussed below in conjunction with the Section 103(a) rejections.

Independent Claims 17 and 19, as amended, are allowable because *Kuhn* does not disclose, teach or suggest, "identifying one of a plurality of accounts associated with the user voice signature identified as fraudulent," as recited by Claim 17, and "a processor coupled to the database and operable to . . . identify one of a plurality of accounts associated with the user voice signature identified as fraudulent," as recited by Claim 19. *Kuhn* merely discloses "a model-based analytical approach to speaker verification and speaker identification." (*Kuhn*, col. 1, lines 62-63). Although the system disclosed in *Kuhn* may identify potential imposters 21b, there is no teaching or suggestion in *Kuhn* regarding the identification of one of a plurality of accounts associated with a user voice signature identified as fraudulent, as in amended Claims 17 and 19.

Thus, for at least this reason, *Kuhn* fails to disclose, teach, or suggest each and every limitation of independent Claims 17 and 19, as amended. Reconsideration and favorable action are respectfully requested.

Dependent Claims 18 and 20 depend from independent Claims 17 and 19, respectively, and are also not anticipated by *Kuhn* because they include the limitations of

their respective base claim as well as additional limitations that further distinguish *Kuhn*. Reconsideration and favorable action are respectfully requested.

Section 103(a) Rejections

The Office Action rejects Claims 6 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Yuschik* in view of *Kuhn*, and Claims 7, 15 and 22 as being unpatentable over *Kuhn* in view of *Yuschik*. Applicants respectfully traverse these rejections for the reasons stated below.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143.

Applicants respectfully submit there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine *Yuschik* and *Kuhn*. First, the Examiner has not provided the required evidence of a suggestion to combine *Yuschik* and *Kuhn*. As mandated by the Federal Circuit, "[a] factual inquiry whether to combine references must be thorough and searching." *In re Sang-Su Lee*, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Any "conclusory statements . . . do not adequately address the issue of motivation to combine." *Id.* The Examiner simply states at page 5 of the Office Action that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify *Yuschik* with the fraudulent voice signature file taught by *Kuhn*. This modification would have improved the efficiency of *Kuhn* [sic]¹ by using a model-based analytical approach as suggested by *Kuhn*." There is simply no "factual inquiry" in this statement. Thus, this reasoning surely cannot be said to be "thorough and searching." Second, Applicants submit that one skilled in the art at the time the invention was made would not combine *Yuschik* and *Kuhn* because *Yuschik* discloses:

A voiceprint identification system identifies and verifies a user from voice data collected from a single interaction with the user. The voice data is a

¹ Applicants assume the Examiner meant to say *Yuschik* here.

number, word phrase or any utterance chosen by the user. A first speech-processor processes the voice data to produce first match criteria, and a second speech-processor processes the same voice data to produce second match criteria, the first match criteria being different than the second match criteria. The first match criteria is used to select a subset of authorized persons, and, for each selected authorized person, the authorized person's voice template is retrieved from a database. The retrieved voice templates are individually compared to the second match criteria until either the second match criteria matches one of the retrieved voice templates or all the retrieved voice templates have been compared without matching the second match criteria.

And, as noted above, *Kuhn* is directed toward speaker verification and speaker identification based on eigenvoices, in which:

Speech models are constructed and trained upon the speech of known client speakers (and also impostor speakers, in the case of speaker verification). Parameters from these models are concatenated to define supervectors and a linear transformation upon these supervectors results in a dimensionality reduction yielding a low-dimensional space called eigenspace. The training speakers are then represented as points or distributions in eigenspace. Thereafter, new speech data from the test speaker is placed into eigenspace through a similar linear transformation and the proximity in eigenspace of the test speaker to the training speakers serves to authenticate or identify the test speaker.

Thus, these two references use different systems and methods to identify a speaker and, consequently, one skilled in the art at the time the invention was made would not combine *Yuschik* and *Kuhn*. Additionally, there is no reasonable expectation of success regarding the proposed *Yuschik-Kuhn* combination because of the very different approaches used by each.

Therefore, for at least this reason, a *prima facie* case of obviousness has not been established. Thus, independent Claims 1, 9 and 21, as amended, are allowable. Reconsideration and favorable action are respectfully requested.

Dependent Claims 2-5 and 7-8 depend from independent Claim 1, dependent Claims 10-13 and 15-16 depend from independent Claim 9, and are also not rendered obvious by the *Yuschik – Kuhn* combination proposed by the Examiner because they include the limitations of their respective independent claim as well as additional limitations that further distinguish *Yuschik* and *Kuhn*. Reconsideration and favorable action are respectfully requested.

Claim 22 is also allowable for reasons analogous to those above in conjunction with Claims 1, 9 and 21. Reconsideration and favorable action are respectfully requested.

CONCLUSIONS

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of **Baker Botts L.L.P.**

Respectfully submitted,

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